

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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Docket Nos. 50-445
and 50-446

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The writer called the NRC Docketing and Service Branch in Washington to ascertain when their copy had been filed and received, and was advised that it had been hand-delivered at 9:39 A.M. 5/11/82.

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From Applicants' own Motion, it is obvious that they were well aware of the deadline for filing Motions for Summary Disposition. All parties were made aware of this during the conference call of 3/26/82. Applicants had a month and a half in which to timely file their motion. They did not, but rather chose to wait until the last possible minute -- and beyond.

Thus, Applicants' Motion for Summary Disposition of CASE's Contention 5 was not filed in a timely fashion. There is no indication that Applicants sought leave of the Board to file their Motion one day late. Certainly they did not discuss it with CASE.

We therefore move that the Board rule that Applicants' Motion for Summary Disposition of CASE's Contention 5 was not timely filed, that CASE is not required to answer it, and that the Board strike Applicants' Motion.

Respectfully submitted,



(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk
Dallas, Texas 75224
214/946-9446

C & C COURIER SERVICE
938 K Street, N.W.
Washington, D.C. 20001
202/638-3310/11



Date
5/11/82

Voucher No.
NY 5700

DELIVER PACKAGE TO:

Name: PRESIDENT & CASE

Address: 1426 SOUTH POLK STREET

City: DALLAS State: TEXAS 75224

Att: MRS. JUANITA ELLIS

SHIPPER: Pieces (1) Weight (3)

1002 17th ST. N.W.
BANK OF
WASHINGTON DC 20006

RECEIVED BY C & C COURIER SERVICE TIME:

☐ PREPAID ☐ COLLECT ☐ CHARGE

DECLARED VALUE

INS. REQUESTED

\$

☐ YES ☐ NO

OVERNIGHT PRIORITY
SERVICE ☐

LIMITATION OF LIABILITY STATEMENT:

Agreed and understood to be not more than the value stated in the governing tariffs for each pound on which charges are assessed, unless a higher value is declared and applicable charges paid thereon.

SAME DAY PRIORITY SERVICE ☒
(Immediate delivery upon arrival)

SERVICE CHARGE

PICK UP

DELIVERY

MISC.

TOTAL CHARGES

RECEIVED IN GOOD ORDER

TIME:

James A. Ellis 5/11/82 5:00 PM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

2571

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR AN
OPERATING LICENSE FOR COMANCHE
PEAK STEAM ELECTRIC STATION
UNITS #1 AND #2 (CPSES)

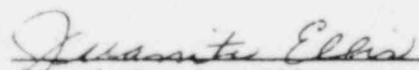
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X

Docket Nos. 50-445
and 50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of CASE's 5/20/82 Motion to Strike Applicants' Motion for Summary Disposition of CASE's Contention 5 for Late Filing; CASE's Supplementary Answers to NRC Staff's 2/22/82 Fourth Set to CASE and to Applicants 8/1/80 First Set to CASE have been sent to the names listed below this 20th day of May 1982, by: Express mail where indicated by * and by First Class Mail elsewhere.

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| * Administrative Judge Marshall E. Miller
U. S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
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Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555 |


(Mrs.) Juanita Ellis, President
CASE (CITIZENS ASSOCIATION FOR SOUND ENERGY)